

From: Linda Laubenheimer
To: Microsoft ATR
Date: 1/23/02 10:47pm
Subject: Microsoft Settlement

Comments:

The proposed final judgment is inadequate, and contains loopholes big enough to drive a monopoly through. I urge you to demand stricter penalties and broaden the scope of the limitations on Microsoft's predatory pricing, FUD, and non-disclosure of technical interoperability requirements. Any and all APIs, ActiveX, and other OS "hooks" and interoperability features should be disclosed to the public on the first beta release of any version of their OS, and then the disclosure should be maintained accurately for the duration of the product life cycle.

Specific Criticisms:

"AND WHEREAS, this Final Judgment does not constitute any admission by any party regarding any issue of fact or law; "
:== The findings of fact concluded that Microsoft is a monopoly. The settlement should not allow them to wriggle out of it.

"2.that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them. "

:== This clause allows Microsoft to re-engineer and change their products so that third party software will no longer interoperate, thus forcing the user back to the Microsoft "fold". This is a bad idea. Also, it apparently only applies to "ISV"s, which leaves out the rest of the software developing business. Very bad.

"c.Microsoft shall have 30 days after receiving a complaint to attempt to resolve it or reject it, and will then promptly advise the TC of the nature of the complaint and its disposition. "

:== This is rather toothless and vague, allowing Microsoft to simply reject complaints and tell the TC to buzz off.

"d.No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.
"

:== This reads like 'if it goes before the TC, it can be buried there by Microsoft'

Linda J Laubenheimer

--

Linda J Laubenheimer - UNIX Geek, Sysadmin, Bibliophile and Iconoclast

<http://www.modusvarious.net/> - consultants available

<http://www.laubenheimer.net/> - personal demo site

<http://www.geocities.com/laubenheimer/> - web design gaffes (I wouldn't disgrace a real ISP with these) and rants about bad design.